

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

20230930-DK-BUTTERFLY-1, INC.,

Plaintiff,

-against-

HBC INVESTMENTS LLC and HUDSON BAY
CAPITAL MANAGEMENT LP,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/9/2024

1:24-cv-03370-MKV

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

Defendants submitted a request for a pre-motion conference regarding their anticipated motion to dismiss Plaintiff's complaint. [ECF No. 16]. Plaintiff filed a responsive letter noticing its intent to oppose the motion to dismiss. [ECF No. 17]. The parties filed subsequent letters reiterating their positions and requesting that the Court enter a briefing schedule. [ECF Nos. 18, 19]. After reviewing the arguments set out in the parties' submissions, the request for a pre-motion conference is DENIED, and Defendants are GRANTED leave to file a motion to dismiss on the schedule set forth below.

IT IS FURTHER ORDERED that on or before July 10, 2024, Plaintiff shall file a letter informing the Court whether it intends to amend its complaint. This will be Plaintiff's last opportunity to amend the complaint in response to arguments raised in the parties' letters.

IT IS FURTHER ORDERED that if Plaintiff does not elect to amend its complaint, consistent with the parties' proposed briefing schedule, Defendants shall file their motion to dismiss on or before July 11, 2024. Plaintiff's opposition shall be due by September 6, 2024. Defendants' reply shall be due by September 27, 2024.

IT IS FURTHER ORDERED that if Plaintiff elects to amend its complaint, the amended complaint is due on or before July 23, 2024. Within three business days of the filing of the

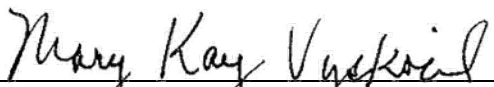
amended complaint, Defendants shall file a letter informing the Court whether they still seek to file a motion to dismiss. The Court will set deadlines accordingly.

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

The clerk of Court is respectfully requested to terminate docket entries 16 and 19.

SO ORDERED.

Date: July 9, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge